



# NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS

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August 12, 2005

Federal Aviation Administration  
Mr. Andy Steinberg, AGC-1  
Chief Counsel  
800 Independence Ave., SW  
Washington, DC 20591

Dear Mr. Steinberg:

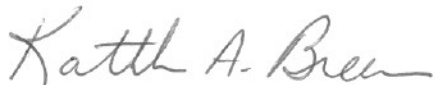
There was a recent determination that came out of AGC-400 and after doing some research I would appreciate a written clarification. How did AGC-400 come to the conclusion "...that any AFSS employee, who is eligible to and elects to use their annual leave to reach discontinued service retirement eligibility, cannot work for Lockheed Martin while on annual leave for this purpose. This restriction is contained in 18 U.S.C. 208." While I am certainly no attorney I have read through 18 U.S.C. 208 and can't see where this would apply. There is no need for me to quote it, I'm sure you are fully aware of what it says.

These AFSS employees have no financial interest in Lockheed Martin, or if they do it's too remote or too inconsequential to affect the integrity of the services of the Government. Why make these employees choose at this late date between reaching retirement or working for Lockheed Martin and losing their retirement?

There is one other issue I would like some clarification on. While AFSS employees continue to be penalized by the FAA, a retired employee was just awarded a single source cost-reimbursement contract to Ms. Marilyn Jackson-Brame former Deputy Director of the Office of Competitive Sourcing. Can you please explain how this individual who was an integral part of this AFSS A-76/Acquisition from its inception until contract award to Lockheed Martin was awarded this single source contract just 6 months later? Where is the integrity here? Why aren't Flight Service Employees that just need a few months to get to retirement being utilized? Why is the FAA contracting out work that was in the requirements document for Lockheed Martin to perform? If there was an exemption given, I'd like to request a copy it.

I appreciate your time and request that these answers be provided as soon as possible, if there is a waiver process you insist our members go through please provide it.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen A. Breen".

Kathleen A. Breen  
President

Cc: NAATS Board of Directors  
James Washington  
Marion Blakey